

The Honorable Edward Kennedy
Chairman
Committee on the Judiciary
U.S. Senate
2226 DSOB
Washington, D.C. 20510

9 May 1979

Dear Senator Kennedy:

In April 1976, the FBI implemented a revised files destruction policy and the Bureau told its field offices to eliminate records of criminal cases that had been closed more than ten years. On August 31, 1977, the period was reduced to five years. In a recent agreement between the Department of Justice and the National Archives and Records Service (NARS), "official" sanction has now been given to the destruction of auxillary FBI field office files which are more than six months old.

The destruction of FBI files poses a serious threat to the public's right-to-know. For example, the report recently released by the National Archives and Records Service states that there are no significant files located in the field offices that are not duplicated and preserved in the FBI's Washington national headquarters. However, as revealed in the Martin Luther King assassination investigations, field office files, found to contain crucial information in the case, were not duplicated at the FBI's national headquarters. Had these files been destroyed, Americans would have been forever denied access to information - information which they have a right to know.

To cite an example where destruction of files did in fact occur, the research and legal staff engaged in the Rosenberg case discovered 42 files, running into thousands of pages of documents, which the FBI admits to having destroyed. These files were destroyed despite the order of August 1, 1975 by the Federal District Court in Washington enjoining the FBI from destroying any files in the Meeropols' request. It was recently learned that this order was not disseminated to the FBI's field offices until a year later. It is highly probable that we will never know the full extent or even the number of files and documents which existed on the Rosenberg-Sobell case.

It is difficult to refute the contention that hundreds of thousands of files with solid information are being destroyed under this new policy.

We urge you and the other members of your Committee to request of the FBI and Department of Justice that they immediately stop destruction of FBI files. We also urge that your Committee deny approval to the Bureau's request to destroy the central files at FBI headquarters in criminal cases after they are ten years old.

We would be willing to discuss with you possible alternatives to the destruction of files.

Sincerely,

Signed by:

Barry Lynn, Legislative Counsel, Policy Advocate for the United Church of Christ,
Office for Church in Society

Kevin O'Donnell, Associate Director, National Commission on Law Enforcement
and Social Justice, Church of Scientology

Esther Herst, Washington Coordinator for the National Committee Against
Repressive Legislation

Theodore Jacobs, Director, Project for Open Government

Kathy Wiltsey, Assistant Director, Committee for Grand Jury Reform

Jeff Goldberg, Co-Director, Assassination Information Bureau

Reverend John P. Adams, Director, Department of Law, Justice and Community Relations
of the Board of Church and Society of the United Methodist Church

Mary Jane Patterson, Director, Washington Office, United Presbyterian Church

Robert Z. Alpern, Director, Washington Office, Unitarian Universalist Association